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fulfilled. *Crease* v. *Babcock*, 40 Mass. 334; *Erie, etc. R. Co.* v. *Casey*, 26 Pa. 287; *Miners' Bank* v. *United States*, 1 Morris (Iowa), 482. One court has held that "the power to destroy does not imply a right to cripple or to maim." *Sage* v. *Dillard*, 15 B. Mon. (Ky.) 340. But is difficult to see any reason why the legislature, having full power to take back its grant, cannot modify it at its pleasure, though it is doubtless true that, as a matter of policy, the right should be exercised with moderation. See 2 KENT, COMMENTARIES, 3 ed., 306; ANGELL AND AMES, CORPORATIONS, 11 ed., § 766. The court felt itself concluded by former decisions. *Delaware, etc. R. Co.* v. *Board of Public Utilities*, 85 N. J. L. 28, 88 Atl. 849 (member of state water-supply commission); *Pennsylvania R. Co.* v. *Herrmann*, 89 N. J. L. 582, 99 Atl. 404 (secretary to the governor). The New Jersey rule seems to be that, even where there is an unqualified reservation of the right to alter, amend, or repeal, subsequent alterations to be constitutional must be (1) regulative of rights and duties with which the corporation has been invested, and, (2) promotive of the public welfare. The soundness of the decision is doubtful.

CONSTITUTIONAL LAW — IMPAIRMENT OF CONTRACTS — MUNICIPAL CORPORATIONS. — A dispute having arisen between the plaintiff company and the defendant city as to the company's franchise right upon certain streets, the city council passed an ordinance to the effect that the company could continue to operate on the disputed streets only on condition of a reduction of fares and certain extensions of transfer privileges; that continued operation should be construed as an acceptance of the ordinance; and that in case of failure to accept, the city solicitor should take the proper legal steps to eject the companies from the street. This is a bill brought in the federal court to declare the ordinance void and to restrain the city from enforcing it. *Held*, that the city be enjoined from taking any steps to enforce the ordinance (except the institution of necessary court proceedings) prior to final adjudication of controversies involved, and from ever setting up a claim that the company's continued operation is an acceptance of the ordinance. *City of Cincinnati* v. *Cincinnati & Hamilton Traction Co.*, 38 Sup. Ct. Rep. 153.

For discussion of this case, see Notes, page 879.

CONSTITUTIONAL LAW — IMPAIRMENT OF CONTRACT — MUNICIPAL CORPORATIONS. — The plaintiff claimed that its franchise was perpetual. The county commissioners claimed that it was at will. They accordingly passed a resolution directing the company to reduce its rates or remove its tracks, and directed the prosecuting attorney to take the proper legal action in case of refusal. The Supreme Court of Ohio held that the franchise was at will. *Held*, that this was such a law as raised a federal question, that the franchise was not revocable at will and that the law violated its obligations. *Northern Ohio Traction & Light Co.* v. *State of Ohio*, 38 Sup. Ct. Rep. 196.

For a discussion of this case, see Notes, page 879.

CONTEMPT — ACTS AND CONDUCT CONSTITUTING CONTEMPT — PETITION FOR RECALL OF JUDGE AS CONTEMPT. — The Constitution of Colorado, in authorizing the recall of judges, provides that the recall petition "shall contain a general statement . . . of the grounds on which such recall is sought, which statement is intended for the information of the electors . . ." (COLO. CONST. ART. XXI, § 1.) While two criminal cases were pending, the defendant circulated a recall petition, describing in bitter language the conduct of the judge in these cases, in admitting the one prisoner to bail, and refusing that privilege to the other. For this, contempt proceedings were instituted against the defendant. *Held*, that he was not guilty, for the statement was privileged. *Marians* v. *People*, 169 Pac. 155 (Colo.).